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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: ALLAHABAD BENCH

CIRCUIT BENCH, AT LUCKNOW.

T.A.No. 1082 of 1987 (T)

(W.P.No.4325 of 1982)

Bhagwandin Mishra

.....

Applicant

Versus

Union of India &Others

.....

Respondents

Hon'ble Mr.Justice U.C.Srivastava, V.C.

Hon'ble Mr.A.B.Gorthi, A.M.

( By Hon'ble Mr.Justice U.C.S., )

This is a transferred case under section 29 of the Administrative Tribunal, Act. The applicant has filed two writ petition both of which were transferred to Tribunal. <sup>195</sup> T.A.No. 159 of 1987 which was against the order putting him off the duty and terminating his services has been dismissed as the ground that the same has become infructuous as the applicant has been reinstated back in service by the <sup>195</sup> ~~restau~~ T.A. the applicant has prayed for issue of writ of certiorari for quashing the selection for two posts of postman and also for issue of ~~mandamus~~ to communicating of <sup>195</sup> ~~it~~ <sup>Second T.</sup> ~~postman for the post of~~ opposite parties to select <sup>195</sup> ~~in the~~ postman as a result of examination held as 22.2.1981 result of which was declared on 23.2.1981 and place <sup>195</sup> ~~list~~ in a proper <sup>195</sup> ~~place for~~ <sup>195</sup> ~~post of~~ posting accordingly.

2. The applicant was <sup>195</sup> ~~an~~ as extra departmental procedure <sup>195</sup> ~~and worked in broken~~ <sup>195</sup> ~~from~~ post master in back periods <sup>195</sup> ~~in~~ 1965 to 1967 and from 1967 he is continuously working as such. The Extra Departmental agents are entitled to appear

in the examination held for selection of for the post of Postman and Regular Departmental Group 'D' posts and certain norms and eligibility are prescribed for the same although there is no provision for maintaining waiting list but qualifying candidates not included in selection list become entitled to appear in the literacy test for the next year.

3. The applicant appeared in the test which took place on 22.2.1981 the result of which was declared on 23.5.1981. The persons who were in continuous service from 1964 to 1968 were to be selected but result of two posts were withheld. The applicant also secured 50% marks clarifies are of the post on the basis of seniority. In the examination for group 'D' post held on 1.8.82 in which opposite party No.3 said to be senior to applicant was selected the applicant was asked to appear in Postman examination which was held on 12.9.1982.

4. In the counter affidavit it has been stated that the applicant gave a wrong date of starting service in his application which was as a higher side and instead of a dated 1971 it was mentioned as 1972 and that is why his name was shown as provisional. So far as the two posts the result of which was withheld it has well stated that was reserved for Scheduled caste and the other for army Postal services in view of non availability of candidate were carried forward. The marks secured by applicant did not change the seniority in view of provision given in P & T manual and that is why his claim for refixation of seniority and appointment in preference over others was rejected.

as the applicant did not apply for Group 'D' post he was not appointed against post in that group. Subsequently after increase on seats the names of applicant was also included in the list. In view of the above facts the applicant had no claim over the said post and the use of examination was not illegal.

The application therefore is dismissed .

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A.M.

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V.C.

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R.S.M.